

waters of the U.S.) is exempt from the requirements of §§ 151.2040 and 151.2045, however such vessels are requested not to discharge ballast water into the waters of the United States unless they have followed the voluntary guidelines of § 151.2035.

EFFECTIVE DATE NOTE: By USCG-2002-13147, 69 FR 32869, June 14, 2004, § 151.2015 was amended by removing the text “151.2040”, and adding in its place, the text “151.2041”, effective Aug. 13, 2004.

**§ 151.2025 What definitions apply to this subpart?**

(a) Unless otherwise stated in this section, the definitions in 33 CFR 151.1504, 33 CFR 160.203, and the United Nations Convention on the Law of the Sea apply to this part.

(b) As used in this part—

*ANSTF* means the Aquatic Nuisance Species Task Force mandated under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (NANPCA).

*Captain of the Port (COTP)* means the Coast Guard officer designated as the COTP, or a person designated by that officer, for the COTP zone covering the first U.S. port of destination. These COTP zones are listed in 33 CFR part 3.

*Exchange* means to replace the water in a ballast tank using one of the following methods:

(a) *Flow through exchange* means to flush out ballast water by pumping in mid-ocean water at the bottom of the tank and continuously overflowing the tank from the top until three full volumes of water has been changed—to minimize the number of original organisms remaining in the tank.

(2) *Empty/refill exchange* means to pump out the ballast water taken on in ports, estuarine, or territorial waters until the tank is empty, then refilling it with mid-ocean water; masters/operators should pump out as close to 100 percent of the ballast water as is safe to do so.

*IMO guidelines* mean the Guidelines for the Control and Management of Ships' Ballast Water to Minimize the Transfer of Harmful Aquatic Organisms and Pathogens (IMO Resolution A.868 (20), adopted November 1997).

*NANPCA* means the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990.

*NBIC* means the National Ballast Water Information Clearinghouse operated by the Coast Guard and the Smithsonian Environmental Research Center as mandated under NISA.

*NISA* means the National Invasive Species Act of 1996, which reauthorized and amended NANPCA.

*United States* means the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

*Voyage* means any transit by a vessel destined for any United States port from a port or place outside of the EEZ, including intermediate stops at a port or place within the EEZ. For the purpose of this rule, a transit by a vessel from a United States port to any other United States port, if at any time the vessel operates outside the EEZ or equivalent zone of Canada, is also considered a voyage.

*Waters of the United States* means waters subject to the jurisdiction of the United States as defined in 33 CFR § 2.05-30, including the navigable waters of the United States. For this regulation, the navigable waters include the territorial sea as extended to 12 nautical miles from the baseline, pursuant to Presidential Proclamation No. 5928 of December 27, 1988.

[USCG-1998-3423, 64 FR 26682, May 17, 1999, as amended by USCG-2003-15404, 68 FR 37741, June 25, 2003]

EFFECTIVE DATE NOTE: By USCG-2002-13147, 69 FR 32869, June 14, 2004, § 151.2025(b) was amended, in the definition for “Exchange,” by redesignating paragraph (a) as (1); by revising the definitions of “Captain of the Port (COTP)” and “Voyage”; and by adding, in alphabetical order, the definitions for “Exclusive Economic Zone (EEZ)”, “Port or place of departure” and “Port or place of destination”, effective Aug. 13, 2004. For the convenience of the user, the revised and added text is set forth as follows:

**§ 151.2025 What definitions apply to this subpart?**

\* \* \* \* \*

(b) \* \* \*

*Captain of the Port (COTP)* means the Coast Guard officer designated as the COTP, or a

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person designated by that officer, for the COTP zone covering the U.S. port of destination. These COTP zones are listed in 33 CFR part 3.

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*Exclusive Economic Zone (EEZ)* means the area established by Presidential Proclamation Number 5030, dated March 10, 1983 (48 FR 10605, 3 CFR, 1983 Comp., p. 22) which extends from the base line of the territorial sea of the United States seaward 200 miles, and the equivalent zone of Canada.

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*Port or place of departure* means any port or place in which a vessel is anchored or moored.

*Port or place of destination* means any port or place to which a vessel is bound to anchor or moor.

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*Voyage* means any transit by a vessel destined for any United States port or place.

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### § 151.2030 Who is responsible for determining when to use the safety exemption?

(a) The master, operator, or person-in-charge of a vessel is responsible for the safety of the vessel, its crew, and its passengers.

(b) The master, operator, or person-in-charge of a vessel is not required to conduct a ballast water management practice (including exchange), if the master decides that the practice would threaten the safety of the vessel, its crew, or its passengers because of adverse weather, vessel design limitations, equipment failure, or any other extraordinary conditions. If the master uses this section, and the—

(1) Vessel is on a voyage to the Great Lakes or Hudson River, the vessel must comply with the requirements of § 151.1514 of subpart C of this part (Ballast water management alternatives under extraordinary conditions); or

(2) Vessel is on a voyage to any port other than the Great Lakes or Hudson River, the vessel shall not be required to perform a ballast water management practice which the master has found to threaten the safety of the vessel, its crew, or its passengers because

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of adverse weather, vessel design limitations, equipment failure, or any other extraordinary conditions.

(c) Nothing in this subpart relieves the master, operator, or person-in-charge of a vessel, of the responsibility for ensuring the safety and stability of the vessel or the safety of the crew and passengers, or any other responsibility.

### § 151.2035 What are the voluntary ballast water management guidelines?

(a) Masters, owners, operators, or persons-in-charge of all vessels equipped with ballast water tanks that operate in the waters of the United States are requested to take the following voluntary precautions to minimize the uptake and the release of harmful aquatic organisms, pathogens, and sediments:

(1) Avoid the discharge or uptake of ballast water in areas within or that may directly affect marine sanctuaries, marine preserves, marine parks, or coral reefs.

(2) Minimize or avoid uptake of ballast water in the following areas and situations:

(i) Areas known to have infestations or populations of harmful organisms and pathogens (e.g., toxic algal blooms).

(ii) Areas near sewage outfalls.

(iii) Areas near dredging operations.

(iv) Areas where tidal flushing is known to be poor or times when a tidal stream is known to be more turbid.

(v) In darkness when bottom-dwelling organisms may rise up in the water column.

(vi) Where propellers may stir up the sediment.

(3) Clean the ballast tanks regularly to remove sediments. Clean the tanks in mid-ocean or under controlled arrangements in port, or at dry dock. Dispose of your sediments in accordance with local, State, and Federal regulations.

(4) Discharge only the minimal amount of ballast water essential for vessel operations while in the waters of the United States.

(5) Rinse anchors and anchor chains when you retrieve the anchor to remove organisms and sediments at their place of origin.